

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06 MD 1811 CDP
RICE LITIGATION) ALL CASES

PROPOSED AGREED ORDER

Plaintiffs' Co-Lead Counsel ("Co-Lead Counsel") and Goldman, Pennebaker and Phipps, P.C. submit the following proposed agreed order to the Court:

1. Goldman, Pennebaker and Phipps, P.C., its attorneys, and all those acting in concert with that firm (the "Phipps Group") shall inquire before the start of any meetings regarding this or any current or prospective litigation concerning LLRICE whether any attendees at these meetings are currently represented by another law firm or counsel. If any attendee answers in the affirmative, the Phipps Group shall instruct the attendee that he or she may not attend the meeting and to immediately contact his or her counsel. The Phipps Group will make similar inquiries prior to any telephone or other discussions regarding this or any current or prospective litigation concerning LLRICE with anyone they do not represent.

2. The Phipps Group will produce to Plaintiffs' Co-Lead Counsel any slide show presentations (collectively "Slide Shows") used at any meetings they have had with current, former, or prospective clients relating to market losses or other damages sustained by rice producers arising out of LLRICE 601 or 604 contamination. Co-Lead Counsel and the Phipps Group agree that the Phipps Group shall redact all damage model information from the Slide Shows. Co-Lead

Counsel and the Phipps Group agree that Co-Lead Counsel shall not be permitted to display the contents of the Slide Shows to any other counsel outside of their respective firms. The Phipps Group shall cooperate with Co-Lead Counsel and make changes to the currently-existing Slide Shows – or any Slide Shows the Phipps Group creates (including modifications of the currently-existing Slide Shows) – and to correct any inaccuracies or false statements and to affirmatively avoid any misunderstandings or miscommunications regarding any LLRICE-related litigation at any future client or prospective client meetings.

3. The Phipps Group agrees to keep and maintain attendance lists for potential clients at any future meetings it holds relating to market losses or other damages sustained by rice producers arising out of LLRICE 601 or 604 contamination. Those lists shall include the following information: Rice Producer name, address, phone number and meeting date.

4. The Phipps Group will place, at its own expense, a one-quarter page advertisement in the *Delta Farm Press*, which shall run for four consecutive weeks beginning in May, 2009, and in the June, 2009, publication of *Rice Farming* magazine, beginning in May, 2009, stating the following:

**ATTENTION ALL LONG GRAIN RICE
FARMERS INTERESTED IN
LIBERTY LINK RICE (“LLRICE”) LITIGATION**


This notice has been ordered and approved by the United States District Court for the Eastern District of Missouri in *In Re Genetically Modified Rice Litigation*, MDL 1811.

It has been reported to the Court that there has been some misinformation provided to rice farmers about the LLRICE litigation. The purpose of this notice is to provide accurate information about these cases.

1. On August 14, 2008, Judge Catherin D. Perry, the judge overseeing *In re Genetically Modified Rice Litigation*, denied Plaintiff's Motion for Class Certification.
2. Because that action was not certified as a class action, any rice farmer wishing to pursue his/her/its claims for relief for any losses suffered as a result of the contamination of the U.S. rice supply by BayerCropScience LP's LLRICE will need to file an individual lawsuit, if that rice farmer has not already done so. Any such lawsuit must be filed before the applicable statute of limitations expires. If you have any questions on this, you should consult your lawyer.
3. Contrary to the misinformation that has been reported to the Court and otherwise, the Court-appointed Co-Lead Counsel for plaintiffs in *In re Genetically Modified Rice Litigation*, including the Gray, Ritter & Graham, P.C. firm in St. Louis, at all relevant times and continuing through the present day, have been pursuing both market loss damages and damages for other losses on behalf of rice producers – and are presently seeking to recover those market loss and other loss damages on an individualized and complete basis.
4. Contrary to the misinformation that has been reported to the court, the Court-appointed Co-Lead Counsel for plaintiffs never offered to settle any rice farmer's claim in this litigation for \$60 per acre or less, or for any other flat amount per acre.
5. The Court in *In re Genetically Modified Rice Litigation* has scheduled several trials of rice producers' claims. The first of these trials is scheduled to begin in November, 2009.

Should you have any questions about any of these issues or this litigation in general, please contact your lawyer.

6. The Phipps Group shall abide by all Confidentiality Orders and other protective orders entered by the Court.
7. The Phipps Group shall not reveal any settlement discussions except to its own clients.
8. Any other relief the Court deems appropriate.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 16 day of April, 2009.